

MC-20-09213

Warrant No. 2020-1005-164)

FILED

AT 3:38 O'CLOCK P.M.

OCT 08 2020

**THE STATE OF TEXAS
COUNTY OF DENTON****AFFIDAVIT FOR SEARCH WARRANT**DISTRICT CLERK
Denton County, TexasBY:  DEPUTY

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath, makes the following statements and accusations:

1. THERE IS IN DENTON COUNTY, TEXAS, A SUSPECTED PLACE AND PREMISES DESCRIBED AND LOCATED AS FOLLOWS:

There is a business that is a "Commercial Mail Receiving Agency" with the name "Send My Parcels" located at 1565 West Main Lewisville, #208, Texas, 75067. The business is in a strip mall with brown brick façade. The business faces west and has the numbers 208 above the entry door along with a large sign spelling "SEND MY PARCELS" with the letters in white on a red and blue background.

2. THERE IS AT SAID SUSPECTED PLACE AND PREMISES PERSONAL PROPERTY CONCEALED AND KEPT THAT IS EVIDENCE TO A FELONY OFFENCE DESCRIBED AS FOLLOWS:

Fraudulent Use of Application for Ballot by Mail, Texas Election Code Sec. 84.0041

3. EVIDENCE TO BE SEARCHED FOR AND SEIZED:

All information associated with virtual or actual post office box 1046 located within address at 1565 West Main Lewisville, #208, Texas, 75067.

Information includes any and all documents affiliated in any way with the suspect Post Office Box electronically stored in any manner, or digitalized and stored in any manner and including paper documents. Documents include any documents signed or used to acquire the lease on the post office box. Any records of payment such as debit card, credit card, pay Pal, cash receipts, or any receipts of any kind related to the box. Any electronic or hard copy documents that include identification, contact information, mail forwarding address, including electronic (E-Mail) address, cellular and land line phone numbers, computer application address designations of any kind pertaining to the party leasing the suspect box. Information includes any and all electronic mail (E-Mail) correspondence between the business or persons employed by the business to the party leasing the suspect post office box. Documents include any business documents related to the suspect box stored on line for documenting transactions.

Warrant includes any security video / audio recordings of any kind of any party using the suspect post office box.

The warrant includes any mail located inside the suspect post office box or any mail held on the premises of Send My Parcels business on behalf of the party leasing the suspect post office box virtual or actual.

4. SAID SUSPECTED PLACE AND PREMISES ARE IN CHARGE OF AND CONTROLLED BY EACH OF THE FOLLOWING PERSONS:

a. Jeff Pohlman

b. JoAnne Pohlman

5. AFFIANT HAS PROBABLE CAUSE FOR SAID BELIEF BY REASON OF THE FOLLOWING FACTS:

I, the Affiant, Edward Barrett, am a Peace Officer, licensed by the State of Texas, and employed by the Denton County Sheriff's Office. I am currently assigned as Captain over the Sheriff's Office Criminal Investigation Division. Your Affiant has been a Police Officer for 34 years and currently holds a Master Peace Officer certificate from Texas Commission On Law Enforcement. While employed as a Peace Officer, I have used a variety of methods during criminal investigations, including, but not limited to, visual surveillance, general questioning of witnesses, the use of search warrants, the use of confidential informants, the use of undercover agents, working in a undercover capacity, the use of pen registers/trap and trace devices, the use of mobile tracking devices, the use of cellular telephone Global Positioning Satellite (GPS) information to locate individuals.

Based on my training and experience relating to the investigation of crime, and based upon interviews I have conducted with defendants, informants, witnesses, and participants in criminal activity, I am familiar with the ways that criminals conduct their business.

My familiarity includes: the various means and methods by which criminals import and distribute contraband; the techniques and methods by which criminal's manufacture and cultivate controlled substances.

In addition to my experience in conducting criminal investigations. I have learned through training and experience methods by which criminals derive, launder, and conceal, their profits from criminal activity; the use of assets to facilitate criminal activity; and the law permitting the forfeiture to the State of Texas of assets purchased with ill-gotten proceeds or assets used or intended to be used to facilitate and further criminal enterprises. I have participated in the execution of numerous search warrants in the investigation of crimes. These warrants covered the search of locations to include residences of criminals and their co-conspirators/associates. By virtue of my training and experience, I have extensive knowledge in debriefing defendants, co-conspirators, witnesses and informants who have been involved in unlawful activities. These sources often have had personal experience involving the techniques and methods by which criminals operate their criminal enterprises.

My knowledge of the facts as stated below are derived from my direct involvement in the investigation, along with reviewing reports, and conducting interviews, of other law enforcement officers, also involved in the investigation.

Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer, or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or

whose reports/records I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated.

Because this affidavit is submitted for the limited purpose of securing the requested search warrant, I have not included details of every aspect of the investigation. Facts not set forth herein are not relied on in reaching my conclusion that the requested order should be issued. Nor do I request that this Court rely on any facts not set forth herein in reviewing this application.

Affiant, being duly sworn, swears that the following facts are true and correct to the best of his knowledge.

Probable Cause

On September 23, 2020, Denton County Sheriff's Office Investigators Anthony Dodson and Eric Hamblin, met with the Denton County Election Administrator Frank Phillips in reference to possible fraudulent applications for Voter Ballot by Mail.

During the meeting Mr. Phillips reported his staff had noticed irregularities in about 70 applications for Ballot by Mail. Mr. Phillips said they first noticed all the applications had the same address to mail the ballot to the **suspect address 1565 W. Main St. Suite 208, -1046, Lewisville, Texas, 75067**, which is in the geographical boundaries of Denton County, Texas.

Mr. Phillips further stated all the handwriting on the applications appeared to be very similar. Mr. Phillips further advised they had 11 applications that were duplicates for applications that had already been sent in.

Mr. Phillips said the applicant signatures on the duplicate applications did not match and the address to send the ballot was identified on the application to be a retirement center. Investigators have confirmed the actual address listed on the application is a business identified as Send My Parcels.

Investigators Dodson and Hamblin made contact with some of the persons that had duplicated applications.

On September 23, 2020 Investigators made contact with Gilberto Ibarra at his address in Carrollton Texas. The Denton County Elections Board had received (2) two absentee ballot applications in Mr. Ibarra's name. One of the applications asked the ballot be sent to Mr. Ibarra's Carrollton, Texas, address, and the other asked the ballot be sent to **suspect address 1565 W. Main St. Suite 208, -1046, Lewisville, Texas**. Mr. Ibarra reviewed the two applications in his name. Mr. Ibarra identified the application submitted listing his Carrollton address as valid, in that he personally filled the application out and sent it to the elections board. Mr. Ibarra reported that he did not fill out and send in the ballot application listing the Lewisville address and the signature on that application was not his.

On September 24, 2020 Investigators made contact with Mr. Mark Boyd in Carrollton, Texas. The Denton County Elections Board had receive (2) two absentee ballot applications in Mr. Boyd's name. One of the applications asked the ballot be sent to Mr. Boyd's Carrollton, Texas address, and the other

asked the ballot be sent to **suspect address** 1565 W. Main St. Suite 208, -1046, Lewisville, Texas. Mr. Boyd reviewed the two applications in his name. Mr. Boyd identified the application submitted listing his Carrollton address as valid, in that he personally filled the application out and sent it to the elections board. Mr. Boyd reported that he did not fill out and send in the ballot application listing the Lewisville address and the signature on that application was not his.

On September 24, 2020 Investigators Hamblin and Dodson made contact with Mr. John Wisdom Carrollton, Texas. The Denton County Elections Board had receive (2) two absentee ballot applications in Mr. Wisdom's name. One of the applications asked the ballot be sent to Mr. Wisdom's Carrollton, Texas, address, and the other asked the ballot be sent to **suspect address** 1565 W. Main St. Suite 208, -1046, Lewisville, Texas. Mr. Wisdom reviewed the two applications in his name. Mr. Wisdom identified the application submitted listing his Carrollton address as valid. Mr. Wisdom reported that he did not fill out and send in the ballot application listing the Lewisville address.

As of the time of this application Investigators Hamblin and Dodson had made contact with at least (9) of the persons named on the duplicate ballot applications and all (9) have reported that the applications listing the **suspect address** 1565 W. Main St. Suite 208, -1046, Lewisville, Texas, return address are fraudulent.

It is your affiants belief, based on experience and training that the requested search warrant will yield evidence in the felony investigation of the crime, Fraudulent Use of Application for Ballot by Mail, Texas Election Code Sec. 84.0041

6. Wherefore, Affiant asks for issuance of a warrant that will authorize him to search suspected place and if located to seize the evidence as enumerated in the affidavit above.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

SUBSCRIBED AND SWORN TO ME this 5 day of October, 2020

Witnessed by Peace Officer

Captain Edward Barrett
Denton County Sheriff's Office

Sherry Shipman

Printed Name of MAGISTRATE

MAGISTRATE in and for Denton County, Texas